

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Defendant Columbia Sussex Corporation d/b/a Myrtle Beach Marriot Resort (“Defendant”), by and through its undersigned counsel, files this Notice of Removal in the above-captioned case of the United States District Court for the District of South Carolina, Florence Division, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446. Defendant would respectfully show unto this Honorable Court:

1. The above-entitled action was brought in the Horry County Court of Common Pleas to recover a judgment for actual and punitive damages related to personal injuries as a result of an alleged slip and fall accident.
 2. Plaintiffs allege they are citizens and residents of Maryland.
 3. Defendant Columbia Sussex Corporation is a foreign corporation organized in Kentucky with its principal place of business in Kentucky.
 4. Defendant was served with the Summons and Complaint via certified mail to its registered agent on March 10, 2022. Therefore, the removal deadline is April 11, 2022 and this Notice of Removal is timely.

5. Removal to this district and division is proper under 28 U.S.C. § 1441(a) because the district and division embrace the Horry County Court of Common Pleas for the State of South Carolina, the jurisdiction in which the action is pending.

6. Plaintiffs' Complaint is silent as to the amount in controversy. Although the Complaint does not specify the amount of damages sustained or pray for a specific sum, Plaintiffs allege Plaintiff Barbara Sapienza has suffered actual and consequential damages to include pain and suffering, medical bills, and lost wages. (Compl. at ¶ 17). Plaintiffs likewise contend Plaintiff Phillip J. Sapienza has been "deprived of the right of companionship, aid, society and services of his wife." (Compl. at ¶ 24).

7. Furthermore, in correspondence dated November 16, 2021, Plaintiffs' counsel advised Plaintiff Barbara Sapienza's medical expenses related to the subject fall total \$292,298.15. (Exhibit A).

8. This is a civil action over which this Court has jurisdiction pursuant to 28 U.S.C. § 1332, because complete diversity exists between all parties and Plaintiffs have asserted claims and seeks damages that create an amount in controversy exceeding Seventy-Five Thousand and No/100 (\$75,000.00) Dollars, exclusive of interest and costs.

9. Defendant files herewith copies of all process, pleadings, and orders served upon it in this action as Exhibit B.

10. Defendant is serving Plaintiffs' counsel with written notice of the removal of this action and will provide a copy of the Notice of Removal to the Clerk of Court for Horry County, South Carolina as required by 28 U.S.C. § 1446(d).

Wherefore Defendant prays this Honorable Court accept this Notice of Removal, take jurisdiction of the above-entitled case, and stay all further proceedings in this case in the Horry County Court of Common Pleas.

Respectfully submitted,
COLLINS & LACY, P.C.

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ATTORNEYS FOR DEFENDANT

April 8, 2022
Murrells Inlet, South Carolina